PAROLE VIOLATION AND REVOCATION:

LESSONS FOR POLICY DEVELOPMENT

A REPORT OF THE NATIONAL INSTITUTE OF CORRECTIONS
TECHNICAL ASSISTANCE PROJECT FOR PAROLE
VIOLATION AND REVOCATION ISSUES

January 1992

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I. INTRODUCTION

A. The Significance of Parole Violation and Revocation Issues

The Convergence of Parole Release and Parole Supervision/ Revocation Issues Since the fall of 1985, the National Institute of Corrections (NIC) has devoted significant resources to the issue of parole at the state level. These resources have focused upon both the parole release function and the parole supervision function. Examples of these resources include the following:

- three national technical assistance projects aimed at assisting paroling authorities to structure their decisionmaking practices:
- an enriched National Academy of Corrections training program with the addition of orientation seminars for members of paroling authorities, continuation of training for case management classification, workload deployment, and capacity building for probation and parole agencies;
- a short term technical assistance program that has responded to specific ad hoc requests for assistance from paroling authorities:
- technical assistance grants providing support to numerous paroling authorities interested in the development and validation of empirically-based risk assessment instruments:
- development and publication of numerous resource materials, including a monograph on parole decisionmaking issues, a handbook for parole board members, papers on liability issues for probation and parole, and a practitioner's guide concerning case management and classification for probation and parole:
- support for the professional associations in the field as they pursue networking and enrichment of parole professionals; and
- support of a major survey of all paroling authorities in the nation in order to provide up-to-date information on the current characteristics of both parole release and parole supervision in this country.

As a result of this focus upon parole, the field has taken major steps forward in-terms of practice. Major advances have also been made in terms of our understanding of the role parole plays in the criminal justice system, how current changes are affecting parole, and the direction of future efforts to ensure the continuing contribution of parole to state systems in the future.

One facet of an emerging and maturing understanding of parole and its place in the system is that the linkages between parole release and parole supervision are critical ones. In fact, parole can be seen as part of a larger picture of post-release discretion that governs the movement of offenders among various population groups--prison, levels of supervision, specific programming, intensive supervision, residential placements, and back into prison (see Exhibit 1). Nowhere is this relationship more obvious than in the response of -systems to violation behavior. This is where the intersection of the parole release function and the supervision function directly meet and where many opportunities exist for policy and program development.

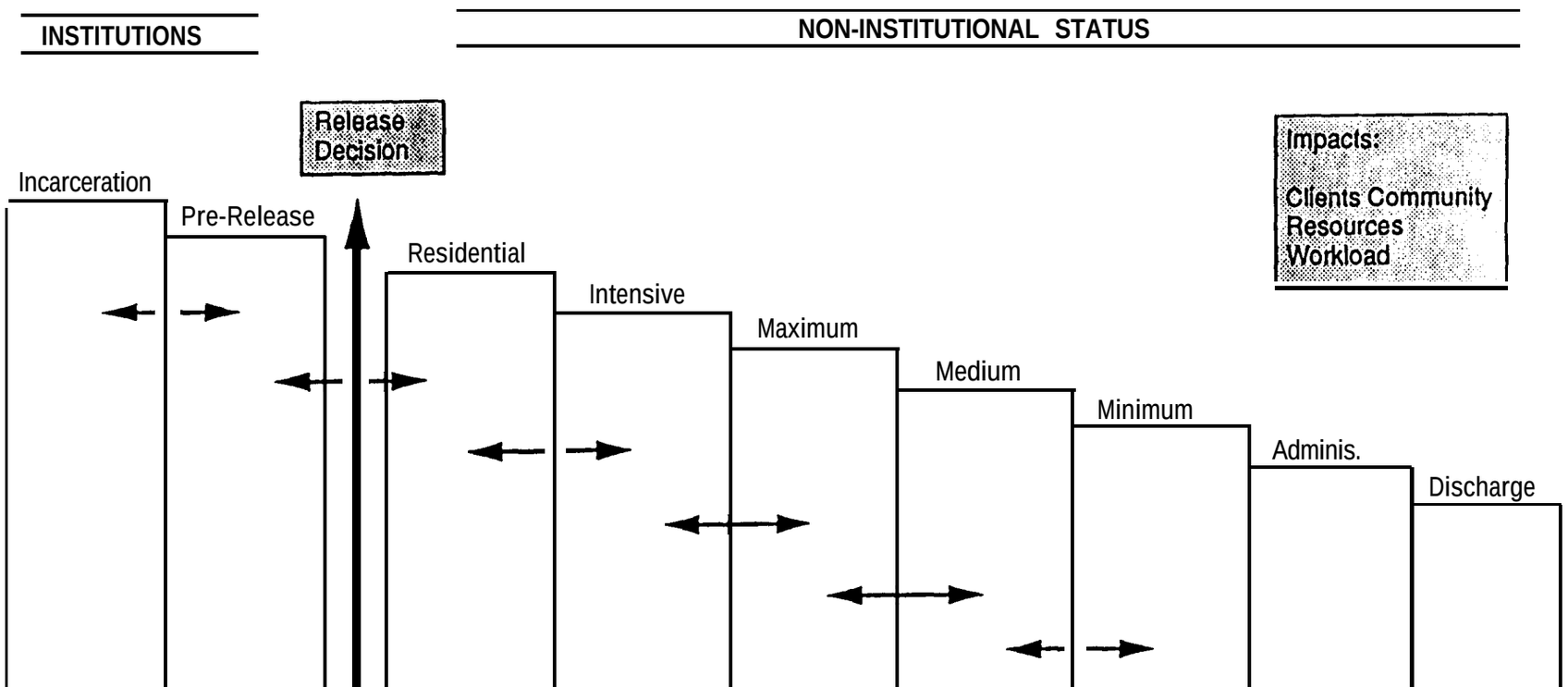
Conditions of parole, both standard and special, are the mechanisms by which an offender's behavior is monitored and influenced while in the community. violation of conditions can be a flag that help is needed, or that risk is escalating, or that some sort of intervention is required. Experience suggests that responses to violation behavior vary widely from one jurisdiction to another and are rarely guided by explicit policy. Even beyond this, there is often a lack of clear thinking about the purposes of intervention. Are we trying to maintain the credibility of the system, help an offender through a difficult time, or apply greater control to manage risk? Often these questions are not asked, let alone answered. The major response is the writing of a violation report,. the issuance of a warrant, revocation, and reincarceration.

This report documents the results of an NIC project that assisted jurisdictions in examining these complexities in their own systems and in devising new policy alternatives and program options as responses to technical violation behavior. Before presenting the findings and conclusions from the project, this report first considers recent trends and issues affecting parole violations and responses to them.

Recent Trends in Conditional Release. The conclusion that the response of systems to violation behavior is a key area for policy development is only emphasized by a close look at the statistics about parole and how releasing practices have changed over time. Although prison crowding garners enormous attention in the press, in legislatures, and in budgets, percentage growth rates among other correctional populations outstrips even prison

Exhibit 1

POST-RELEASE DISCRETION
THE BIG PICTURE



population growth. The Bureau of Justice Statistics reports that within a recent four-year period (1983-1987) jail and prison populations grew by almost one-third. However, similar growth in community supervision populations gets short shrift from the press, the public, and even from some legislatures. Yet probation populations grew by over 40 percent in that 1983-1987 period. Even more surprisingly, parole populations have increased by almost one-half (47 percent). (Bureau of Justice Statistics, 1988.) This made parole the fastest growing segment of the correctional population in America in that recent period, as shown in Exhibit 2.

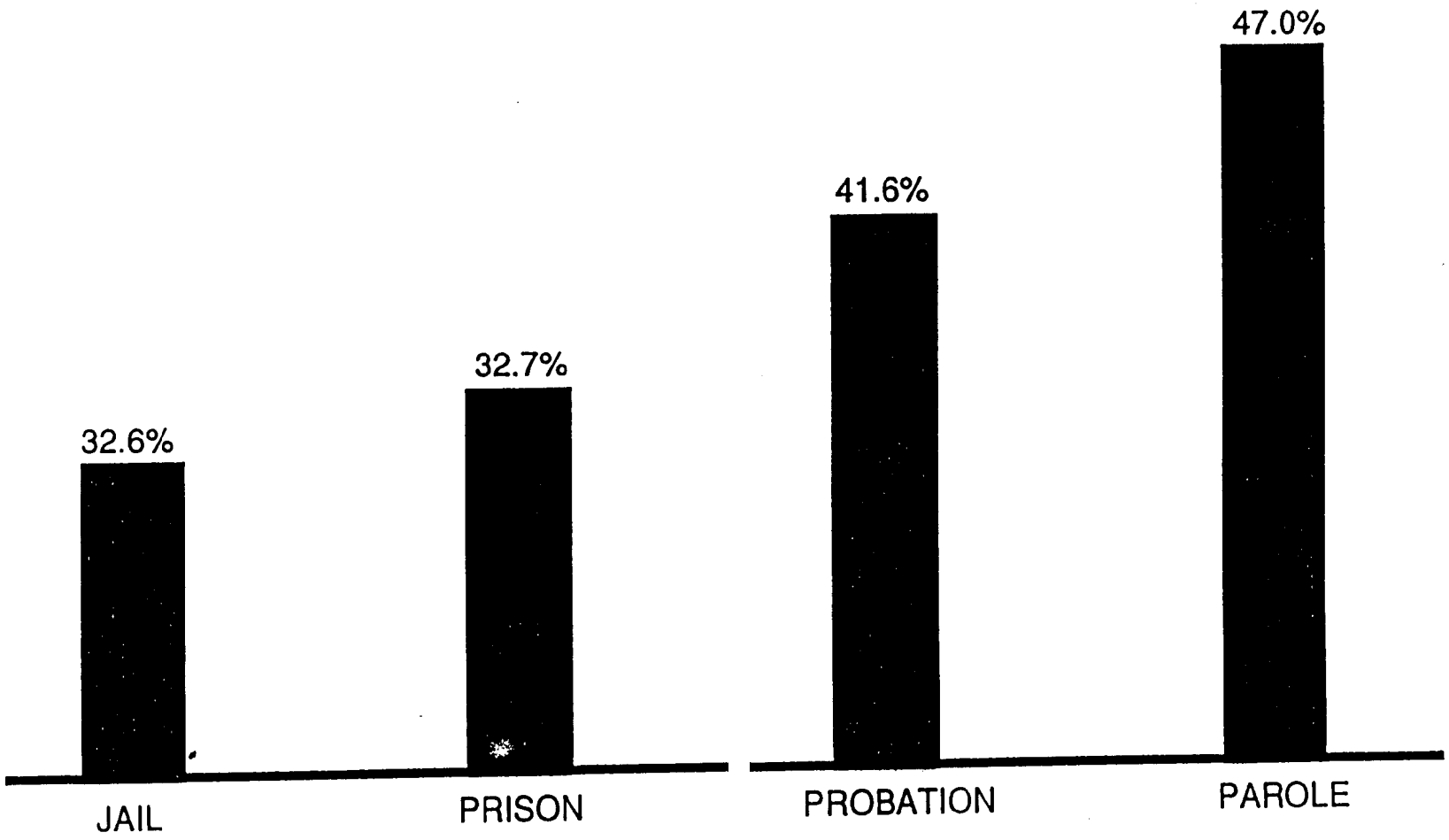
It is important to analyze these statistics with care, however. This growth in supervised populations masks an actual decrease in the prominence of discretionary parole release. When we examine how this growing population is moving into the community and look at trends over time, we find that a greater and greater proportion of these releases are the result of non-discretionary actions. In 1977, 72 percent of releases from prison were the result of discretionary release decisions. In that same year, only six percent of prison releases were the result of mandatory releases to supervision. Twelve years later only 39 percent of prison releases were the result of discretionary parole board decisions while a full 31 percent of all prison releases were the result of mandatory releases to supervision, as shown in Exhibit 3 (BJS, 1990).

In those 12 years, discretionary parole as a "doorway" to post-release supervision decreased from 72 percent to 39 percent of total prison releases. Mandatory releases, on the other hand, rose from six to 31 percent of conditional releases. One might ask what other dynamics might explain this change. Perhaps the proportion of unconditional releases--individuals who serve time until their sentences expire--is growing? But the statistics indicate that in both years (1977 and 1989), roughly 17 percent of releases were unconditional releases, indicating that this type of release as a proportion of total releases has remained constant. The change lies within the conditional release category in the relative proportion of discretionary versus mandatory releases. The balance has shifted dramatically, so that the proportion of mandatory releases is approaching the same range as the proportion of discretionary releases.

In 1977 discretionary parole releases accounted for 88 percent of all conditional releases. The remaining 12 percent were accounted for by seven percent mandatory release, four percent probation, and one percent other. By 1989 discretionary parole release accounted for only 47 percent of all conditional releases (with 37 percent mandatory, five percent probation, and 11 percent other). (BJS, 1990.)

Exhibit

GROWTH RATES OF CORRECTIONAL POPULATIONS 1983 - 1987



Source: BJS, 1988.

EXHIBIT 3
METHODS OF RELEASE FROM PRISON

Type of Release	1977	1989
unconditional Releases		
Expiration of Sentence	16.1%	16.0%
Commutations	1.1	0.2
Other	0.4	0.9
Total Unconditional Release	17.6%	17.1%
Conditional Releases		
Parole	71.9%	39.1%
supervised Mandatory Release	5.9	30.5
Probation	3.6	4.4
Other	1.0	8.9
Total Conditional Release	82.4%	82.9%
ALL RELEASES	100.0%	100.0%

Source: Bureau of Justice Statistics, 1990.

The effect of this may be difficult for individual paroling authorities to see on a day-to-day basis because the absolute numbers of all releases have grown. Paroling authorities are making more decisions and releases now than in 1977--for example, a total of 142,493 in 1989, as compared with only 82,838 in 1977 (BJS, 1990). However, proportionately the impact of discretionary releases upon the total release picture is diminishing.

If one thinks of paroling authorities as gatekeepers, governing movement out of institutions and into parole supervision populations, then it is easy to see the contrast between 1977 and 1989. In 1977 paroling authorities dispensed the bulk of the opportunities for access to parole--88 percent of those releases to a conditional release status. Only seven percent of those releases were mandatory. In 1989, however, paroling authorities had a hand in making only 47 percent of the releases to conditional release status. In contrast, 37 percent of those releases were mandatory. Discretionary parole release as a proportion of all conditional releases was reduced by 46 percent over the last 12 years, while the proportion of mandatory releases was five times as high in 1989 as in 1977.

Revocation and Reincarceration. Another area of discretionary parole decisionmaking has also undergone significant change in recent years. That is decisionmaking regarding revocation of parole and reincarceration. The Bureau of Justice Statistics reports that the number of admissions to 'prison as a result of parole violations increased markedly between 1977 and 1983--by 85 percent. One might speculate that this is simply a result of larger populations moving throughout the system. However, court admissions for that same period increased by only 47 percent. This is, of course, a large increase in and of itself, but considerably less than the 85 percent increase experienced in admissions as a result of parole violations.

The import of these statistics is that the significance of parole revocations as a doorway into prisons is increasing, even as the relative importance of release decisions as a doorway out of prison is decreasing. In fact, data from the California Department of Correction indicate that 47 percent of those sent to California prisons in 1989 were incarcerated for violating the conditions of their parole; they were not convicted of new crimes by a court (Schiraldi, 1992).

The implications of this include the following:

- The workload of paroling authorities and parole supervision agencies is growing.

- Parole board release discretion is having decreasing influence on the total population moving into supervision.

- Movement of parolees from the community back into prison is having an increasingly important impact upon institutions, and upon paroling authorities' time and staff resources.

In summary, there is a larger population under supervision, that paroling authorities have a decreasing role in choosing, and for whom an increasingly frequent alternative is return to incarceration--to systems that already are overcrowded and expensive. Current population projections provide no early hope of relief from this dilemma.

Prospects for Change There is growing understanding of the importance of parole supervision as the logical extension of discretionary release decisionmaking and of the necessity of linking the two functions through coherent policy. At the same time, the spotlight has been focused upon revocation decisionmaking as a target of opportunity for change. Most often, the concern is voiced as a need for "intermediate sanctions," something short of reincarceration. As in many other policy areas, however, we see programmatic responses springing up with little policy coherence. The current popularity of intensive supervision, electronic monitoring, house arrest, and other increasingly controlling--and some would say punitive--interventions as new tools in the array available to parole agencies is both promising and alarming. The energy and creativity is encouraging. The lack of policy coherence is disturbing.

The National Institute of Corrections has, in parallel with the project reported on here, been supporting in conjunction with the State Justice Institute, a National Intermediate Sanctions Project. This effort has been directed at enhancing the more appropriate use of intermediate sanctions at the sentencing stage. Much has been learned in the course of this effort which directly influenced and supported the work on parole violations.

What cannot be emphasized too strongly is the degree of interest and concern found among practitioners about the violation issue. On the one hand, there is increasing pressure to handle more and more offenders in the community. On the other hand, there is little theory or sound practice to support the rational, policy-driven approach to supervision which utilizes the violation/revocation process as a tool better to supervise and identify those offenders who cannot, in the final analysis, be maintained in the community.

The results of this technical assistance effort offer some valuable lessons for practitioners as they continue to address this quandary. The following chapters of this report summarize the technical assistance provided and the lessons learned.

B. The Scope of This Project

Purpose. This project was designed to provide technical assistance to selected state paroling authorities to help them with the following tasks:

- assess their policy and practices regarding technical parole violations and revocations:
- develop or refine existing policy and programs on this topic: and
- implement and analyze the impact of improved policy and programs for handling such violators.

The project emphasized technical violations of parole, rather than new offenses, in part because of the growing consensus that many technical violations can be handled effectively in the community; there is less consensus regarding the best responses to new offenses.

Selection of Jurisdictions for Assistance. In March 1990, the Director of the National Institute of Corrections wrote to state paroling authorities to advise them of the availability of the technical assistance resources and to describe the procedures for applying for such assistance (see Appendix A for a copy of this information). Requests for assistance were received from 15 state paroling authorities. However, the resources could support assistance to only five jurisdictions. Those selected for assistance were the ones that demonstrated the strongest ability to address the criteria set forth in the "Eligibility and Selection" section of the March 1990 announcement. The jurisdictions selected were the Georgia Board of Pardons and Paroles: the New York Board of Parole: the South Carolina Board of Probation, Parole and Pardon Services: the South Dakota Board of Pardons and Parole: and the Tennessee Board of Paroles.

Subsequent to the initial selection of jurisdictions, South Dakota withdrew from the project. This occurred as a result of turnover on the Board after the project team had made an initial site visit and begun working with the jurisdiction. When South Dakota withdrew, the District of Columbia Board of Parole was invited to join the project, and it accepted the invitation. This Board had applied for assistance originally but had not been selected due to resource constraints.

Overall Approach to Technical Assistance The assistance rendered was tailored to the needs of the specific jurisdictions served by the project. In general, three broad activities were included, as follows:

- policy and program analysis,' designed to clarify current policies and practices with respect to technical violations (often by developing a flow chart or "map" of the violation system) as well as to identify the desired objectives to be achieved by changes in those policies and practices;
- policy and program alternative development, to array a set of policies and intermediate sanctions and select from those options a specific policy and program agenda to be implemented: and
- a system impact assessment, to consider the impact of the chosen policy on such factors as workload, organization, staffing, client placements, and budget.

Typically, in a given jurisdiction, the project team met on-site with key Board members and staff on multiple occasions. These meetings occurred in a variety of settings, including workshops and retreats as well as the paroling authority's offices. In addition, considerable assistance was given over the telephone and through the mail by exchange and review of working documents, provision of resource materials, and so on.

The project also included a three-day workshop for all participating jurisdictions. This workshop--held in January 1991 in the Washington, DC, area--gave the five participating jurisdictions the opportunity to learn from one another regarding the array of program options under consideration, obstacles, and implementation strategies used by their colleagues in other states. It also provided a forum for cross-fertilization of ideas, the building of professional networks, and the reinforcement of major concepts underlying the technical assistance efforts. (See Appendix B for more information about this workshop.)

c. Organization of This Report

The next chapter of this report summarizes the assistance provided to each of the five participating jurisdictions. It also describes the progress that had been made in each state before the end of the technical assistance project.

Chapter III provides a case study of South Carolina, a jurisdiction which has recently developed and implemented revised procedures for handling parole violation behavior throughout the

State. South Carolina has also developed new procedures for responding to probation violations and will be implementing these statewide within the next few months.

Chapter IV considers the lessons learned from this technical assistance project. Although the participating jurisdictions varied widely in their operating procedures, there were nevertheless certain common themes that emerged from their collective attempts to improve their ways of handling technical parole violations. These common themes are discussed in Chapter IV.

Chapter V assesses the outlook for the future with regard to technical parole violations and ways of responding to them. Despite growing caseloads and limited (and sometimes diminishing) resources, paroling authorities would seem--based on the experience of this technical assistance project--to have reason for optimism regarding their ability to achieve significant improvements in the handling of technical parole violations.

F. District of Columbia

Background. The District of Columbia's Board of Parole is appointed by the Mayor and confirmed by the City Council. It has responsibility to release, set conditions, and if necessary, revoke parole supervision for all felons and misdemeanants sentenced to a term of six months or more and for adult offenders sentenced under the Youth Act. Parole supervision, formerly administered by the DC Department of Corrections (DCDC), is now under the authority of the Board.

The Board of Parole has been operating with a set of release guidelines for several years. Indeed, as part of a previous technical assistance (TA) project supported by NIC, the Board received help in re-evaluating its release decisionmaking guidelines.' As a result of the Board's experience with using a structured approach to release decisionmaking, the members appreciated the value of a structured approach to decisionmaking and wished to develop a similar system for the supervision/revocation process. This would provide consistency in the decisionmaking approaches used for both release and supervision/revocation. To obtain help in developing a structured approach to the supervision/revocation process, the Board applied for technical assistance under the current NIC-supported TA project. Despite a very strong application, the project was initially unable to work with the District of Columbia Board because of resource limitations. Because of the subsequent withdrawal of another jurisdiction, however, the District of Columbia Board joined the project several months into the effort (see discussion in Chapter I, above). Because of this sequence of events, the District of Columbia Board received assistance over a significantly shorter period than did the other jurisdictions. Despite this fact, the Board was able to begin the work of assessing its violation/revocation process and of developing a range of policy alternatives to modify it.

Assistance Provided. The District of Columbia joined the project shortly before the January 1991 workshop was held. It used this workshop as a basis for developing a workplan for addressing supervision/revocation issues in a systematic, comprehensive manner. An existing working group that had been dealing with these issues was expanded and charged with reviewing the entire supervision/revocation process and developing ways that this process could become a more structured one. This

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'Peggy B. Burke, et al., Policy for Parole Release and Revocation: The National Institute of Corrections 1988-89 Technical Assistance Project report prepared for the National Institute of Corrections, U.S. Department of Justice, January 1990.

working group was broad-based, including Board members, field supervisors, and central office staff. The project team facilitated several meetings of this working group, which addressed a variety of issues related to the supervision/revocation process and to the need for structured decisionmaking in this area. Before this process could be completed, a new Mayor was elected in the District of Columbia and a new Board Chair was appointed. In their efforts to fulfill the new administration's priorities, Board employees were unable to continue their work on the project. As a result, no further assistance from the project team was sought.

Progress Made Considerable progress was made by the working group in terms of clarifying the goals to be achieved and the issues to be addressed in the development of a structured approach to supervision/revocation decisionmaking. However, closure on these issues was still pending at the end of the project period. This outcome was due to the changes in leadership and priorities in the District government and the Board of Parole. (See Appendix C for more information about the supervision/revocation process in the District of Columbia.)

B. Georgia

Background. The State Board of Pardons and Paroles is responsible for release and revocation decisionmaking as well as for supervision of parolees throughout Georgia. The Board consists of five members, appointed by the Governor. Guidelines are used for release decisionmaking but not for revocation decisionmaking. The Board applied for assistance under this project to help it develop a more systematic approach to revocation decisionmaking.

Assistance Provided The project team first assisted the Board in reviewing issues related to revocation decisionmaking and in developing a flow chart (or "map") of the current parole supervision/revocation system (see Appendix C for this flow chart). Subsequently, a task group of field-level managers was established to review the violations process and make recommendations for change to the Board. The project team facilitated key discussions with this task group and, after its report was completed, with the Board as the Board reviewed the report and assessed the recommendations made.

Progress Made Both the Board and the field-level task group agreed on a number of changes that should be made in the revocations process. First, a Technical Violations Rating System should be established which assigns different levels of importance to different technical violations and indicates appropriate sanctions for each violation. Second, more "intermediate" options are needed for the field parole officers;

pilot 'programs with electronic monitoring, intensive supervision, community service, and parole detention centers are particularly desired. (See Appendix C for more information on the Technical Violations Rating System, the supervision options for parole officers, and other aspects of the Georgia parole system.) Finally, a by-product of the work to improve revocation decisionmaking was an improvement in communications between the Board and field staff and within the field staff itself.

c New York

Background. The New York Board of Parole is responsible for release and revocation decisionmaking as well as for supervision of parolees throughout the state through the New York Division of Parole. The Board Chairman serves also as Chairman of the Division. The Board, a 19-member quasi-judicial body appointed by the Governor with consent of the Senate, has been operating with explicit release guidelines for some time. Additionally, the Board received technical assistance from NIC in the past to help it improve the handling of revocation decisionmaking.[2] As part of that project, the Board concluded that there is an essential link between release decisionmaking and supervision/ revocation and, consequently, that the Board and Division needed a single, coordinated mission statement. The Board then applied for assistance under the present project to continue the development of improved approaches to revocation decisionmaking.

Assistance Provided. The project team worked both on-site and off-site with the Board and key staff to help surface the major issues to be addressed regarding revocation decisionmaking and also to develop a flow chart of the highly complex revocation system in New York State. Among the issues that surfaced was the need for policy guidance for the Administrative Law Judges (AIJs) about time-sets, so as to insure consistency and proportionality of revocation decisionmaking. While this is facilitated for release decisionmaking through the use of release guidelines, no such guidelines existed for the revocation process. Additionally, further delegation of authority to the ALJs--within established guidelines--was viewed as a possible way of streamlining the somewhat cumbersome revocation process in the state. A working group on revocation guidelines was established, consisting of a broad cross-section of Division personnel. The working group had several committees, including one charged with developing time-set guidelines. The project team met with the working group and its several committees to facilitate discussions and otherwise assist with the process of developing a more systematic approach to revocation decisionmaking. This

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[2] Ibid.

included extensive review and comment on proposed guidelines for revocation and time-set.

Progress Made In July 1991 legislation became effective that moved the ALJs under the direct jurisdiction of the Board, rather than the Division of Parole, and mandated the use of guidelines to shape their decisions. In September 1991 draft guidelines were distributed to parole staff and published in the State Register for comment. As a result of the extensive comments received on these draft guidelines, modified regulations were adopted (see the regulations and related commentary in Appendix C).

D South Carolina

Background. The South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) and its Board are responsible for parole release and revocation decisionmaking as well as for the supervision of both parolees and probationers in the community. It is also responsible for administering the pardon function in the state. Previous technical assistance from NIC had helped the Department and its Board develop and implement guidelines governing release decisionmaking as well as develop policy for the handling of parole violation behavior.[3] Assistance was requested under the present project to help assess the implementation of the revocation guidelines for parolees and to help in the development and implementation of revocation guidelines for probationers.

Assistance Provided The project team worked with the Department and its Board on both the parole and the probation violation processes. Because a revised parole violation system had been implemented statewide before the current technical assistance project began, work in the parole area centered around (1) helping the agency assess whether the new system had been implemented effectively: and (2) assisting with the development of data collection and evaluation approaches that would permit impact to be monitored on a continuing basis. With regard to the probation system, the project team helped with implementation of a pilot project, assessment of its impact, and planning for statewide adoption of the new probation violation system. Shortly before the end of the technical assistance project, in January 1992, the project team facilitated a two-day workshop for senior staff to consider the issues that must be addressed in the statewide implementation of the new system.

Progress Made. South Carolina has developed revised systems for responding to violations of release conditions by both

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[3] Ibid.

parolees and probationers. The new parole violation system was implemented statewide in March 1990, and the revised probation violation system is expected to be in use throughout the state by the end of FY 1992. Because of the extensive work undertaken in South Carolina over the past several years to revise the way violations are handled, and the progress made in implementing those changes effectively, Chapter III presents a detailed case study of this experience. Additional information about the South Carolina system also appears in Appendix C.

E. Tennessee

Background. The Tennessee Board of Paroles is responsible for parole release and revocation decisionmaking as well as the supervision of parolees in the community. The Board consists of seven full-time members, appointed by the Governor. Under previous NIC technical assistance projects, the Board had received help in developing release decisionmaking guidelines, which became operational in November 1989.[4] The Board applied for assistance under the present project to develop guidelines that would govern the revocation process.

Assistance Provided The project team first met with key Board and staff members to identify the major issues to be addressed through the technical assistance effort. The project team also worked with the staff to develop a flow chart of the revocation system, including the "Progressive Intervention" process of providing a phased response to violations of parole conditions (see Appendix C). A working group was established to deal with revocation issues and to develop guidelines for revocation decisionmaking. The project team facilitated the discussions of this working group, and its subcommittees, on multiple occasions.

Progress Made Draft revocation guidelines were developed during the course of the project. These guidelines consider whether the violation is "technical" or for a new offense (with separate consideration for three categories: misdemeanors: A and B felonies: and C, D and E felonies); whether it is the first, second or third violation; and aggravating and mitigating circumstances. At the end of the project, these guidelines were awaiting review by the Board. (See Appendix C for more information about the revocation process in Tennessee.)

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[4] Ibid.

III. SOUTH CAROLINA: A CASE STUDY

This chapter presents a detailed discussion of the supervision and revocation processes used in South Carolina for parolees and probationers. South Carolina has worked on these issues in a systematic way for a longer period of time than the other jurisdictions included in this technical assistance project. Thus, a description of its revised supervision and revocation approaches, and their impact, may be useful to jurisdictions considering similar changes.

A. Background

The Board of Probation, Parole, and Pardon Services consists of seven part-time members, one from each U.S. Congressional District and one at-large member. They are appointed by the Governor and confirmed by the State Senate, for staggered, renewable six-year terms. The Board is authorized to grant paroles and pardons and to revoke the parole of those who commit technical violations or are convicted of new criminal offenses. The Board also releases persons under supervision who have fulfilled their sentences in compliance with conditions governing their parole.

The Board oversees the Department of Probation, Parole and Pardon Services (DPPPS), which supervises adult offenders placed on probation by the courts or paroled by the Board as well as those offenders on early release programs, extended work release or youthful offender release from the South Carolina Department of Corrections. The Department has 736 full-time-equivalent staff positions, of which 465 are probation and parole staff with caseload responsibilities in field offices throughout the state.

The state's 46 counties are divided into six regions, comprised of four to nine counties each. These regions are structured so that none of the State's 16 judicial circuits crosses regional lines. This keeps to a minimum the number of DPPPS personnel who interact with each General Sessions judge.

For FY 1989-90, the Department operated on a total budget of approximately $22 million, with 62.6 percent appropriated from the State General Fund, 36.8 percent generated through Cost of Court and Intensive Supervision fees, and 0.6 percent provided by federal funds for special project grants. Additionally, $3.6 million in Regular Supervision fee revenues were paid by offenders under the Department's jurisdiction and deposited into the State's General Fund.

In FY 1990-91, a total of 30,583 probationers and 4,607 parolees were supervised by the Department. Thus, the bulk of the supervision workload is comprised of probationers (87

percent). The total supervision caseload has increased by about 10 percent per year since 1984.

Toward the end of the 1980s the Department became increasingly aware of the growing rate of revocations for both probationers and parolees. From FY 1988 to FY 1989, for example, the number of revocations increased by 20.6 percent, as compared with an increase of only 8.5 percent for the two preceding years combined. Moreover, most of the revocations were for technical violations--77 percent in FY 1989--as compared with new offenses. This prompted interest in developing new ways to respond to violations of the conditions of supervision, especially when those violations are technical ones.

Consequently, the Department decided to implement a pilot project to deal with this problem. The pilot project would focus on parolees--where the growth in technical revocations was especially high (an increase of 34.8 percent between FY 1988 and FY 1989, for example), where the population was smaller than for probationers (11 percent of the total caseload in FY 1989 consisted of parolees), and where the setting of revocation policy could be done by a single Parole Board, rather than--as with probationers--having to deal with individual judges located throughout the State. If successful, the pilot project would be expanded statewide for parolees, and a similar pilot project would subsequently be developed for probationers.

The goals that guided the development of revised ways to handle violations are as follows:

- to promote appropriate and proportional responses as well as internal consistency in the handling of violations by setting forth broad Departmental expectations:
- to establish a framework and guidelines within which agents, hearing officers, the Board and Courts can exercise their discretion in a meaningful way: and
- to generate workable and innovative methods of responding to violations that benefit the client without presenting undue risk to the community.

B. The Revised Parole Violation Process

The pilot project on parole revocations began in July 1989 and involved agents in about one-third of the state's counties as well as all seven hearing officers. The changed procedures were implemented throughout the state in March 1990. This was preceded by extensive training for all field personnel.

When considering violations and the appropriate responses to them, agents follow written policy which emphasizes consideration of the offender's risk to the community and the severity of the violation. All violations are categorized by the agent, using DPPPS guidelines, into one of three risk categories and one of three severity categories (see Appendix C for details regarding these risk and severity categories).

Exhibit 4 provides a flow chart of the revised parole violation process. As shown, there were several major innovations, as follows:

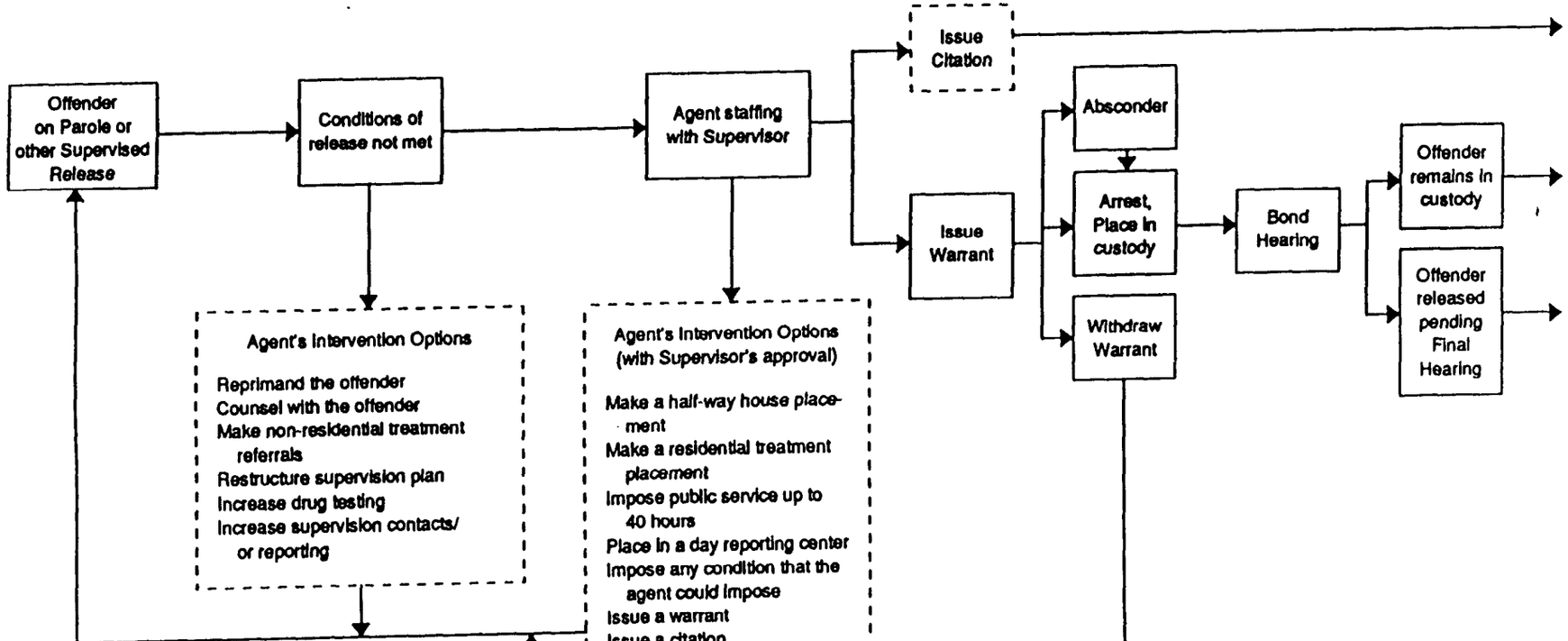
- the intervention options that can be used by agents, acting on their own authority, were expanded;
- the intervention options that can be used by agents, with the approval of their supervisors, were expanded;
- the intervention options that can be used by hearing officers were expanded:
- the option of issuing a citation for an offender, rather than an arrest warrant, was added: and
- no waiver of the Administrative Hearing was allowed, except when the offender was already in custody for another offense.

The policy of not permitting the offender to waive the Administrative Hearing was adopted for several reasons. First, requiring the Administrative Hearing permits the hearing officer to screen out bad cases, which saves the Board the time it would otherwise spend hearing these cases. Second, there is a savings in agents' time, because the case is presented to the hearing officer locally, rather than to the Board in Columbia (the state capital). Third, jail time is saved because the process is expedited.

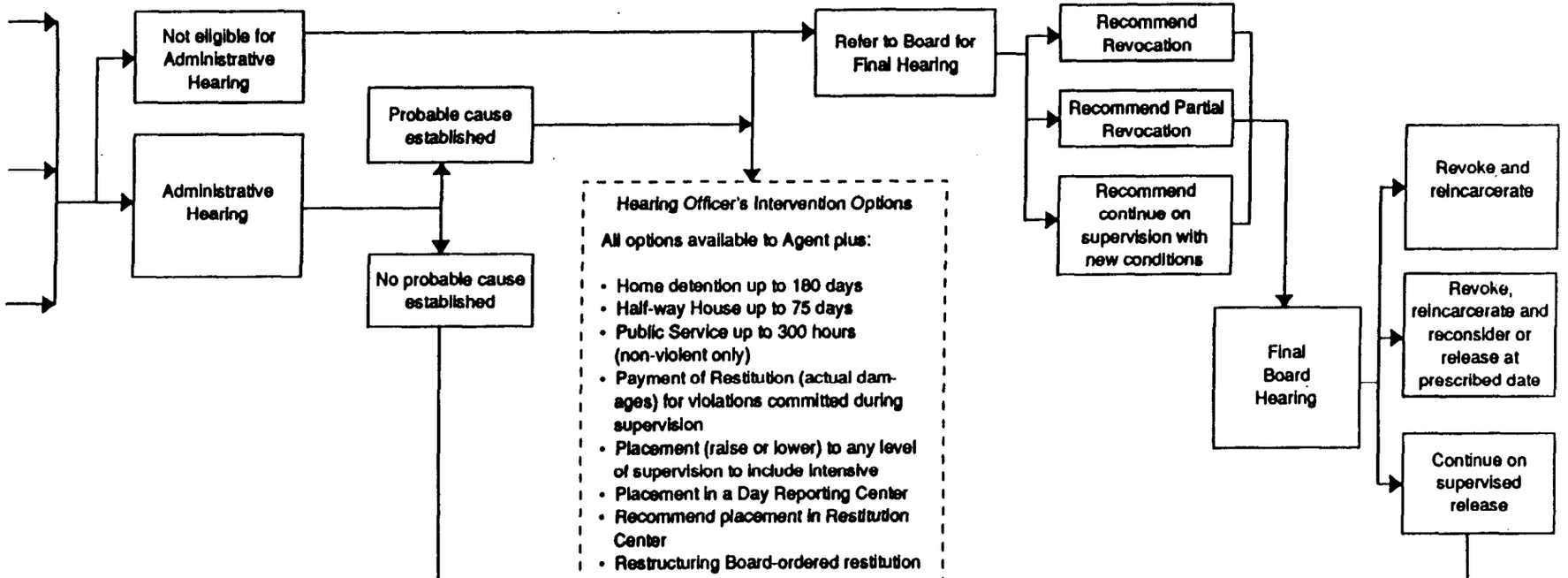
As a result of the new system, more cases are being handled at earlier stages of the parole violation process. From March to October 1990, for example, hearing officers referred only 47 percent of the cases they heard to the Board for action. In 1986, in contrast, 87 percent of the cases that reached the Administrative Hearing stage (where hearing officers now consistently hear the case) were sent to the Board.

After adoption of the new system, there was a high concurrence rate between hearing officers' recommendations and the Board's actions. From March to October 1990, the Board agreed with revocation recommendations 91 percent of the time: and with continuation recommendations, 88 percent of the time.

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
PAROLE VIOLATION PROCESS



SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
PAROLE VIOLATION PROCESS
(continued)



Additionally, workload due to technical revocations is declining. In FY 1991, the first full year of statewide operation under the revised parole violation process, technical revocations amounted to 7.5 percent of the total parole caseload, as compared with 10.6 percent the year before. The failure rate due to new offenses by parolees showed a slight decrease in FY 1991 as well. Hence, the proportionate decline in technical revocations is not creating an unintended consequence of more new offense revocations.

c. The Revised Probation Violation Progress

Based on the successful experience with revising the parole violation process, DPPPS initiated a pilot project in September 1990 to revamp the probation violation process. This was a much more difficult task, for several reasons. First, the violation caseload is much larger for probation than for parole. Second, probation violations fall under the jurisdiction of the courts, rather than the Parole Board. Hence, revising the probation violations process would require working with individual judges located throughout the state, rather than with one Parole Board, based in the capital. Finally, before the pilot project began, the probation violations system had no counterpart of the hearing officer who handles Administrative Hearings for parole violations. Rather, the individual agents took violations matters directly to the appropriate judges, if unable to resolve these situations on their own or through discussions with their supervisors. The pilot project provided a hearing officer for probation cases as well.

The pilot project was implemented in Region One, a four-county area around Greenville, SC. From September 1990 to December 1990, the hearing officer heard 370 probation violation cases: 63 percent of these cases were continued with added sanctions, and 37 percent were referred to the court for revocation. Overall, the court concurred with the hearing officer's recommendation 88 percent of the time (86 percent for revocations and 93 percent for continuations). In contrast, the court's concurrence with the individual agents' recommendations for revocation had been only 31 percent prior to the pilot project.

Results from the pilot project have continued to be positive. Advantages from the revised probation violation system paralleled those found previously for the revised parole system. Many violations were handled earlier in the process, and more options for responding to violations were made available to the agents. The addition of a hearing officer to the process provided another level at which cases could be resolved before going to a judge. As a result, judges saved time that would otherwise have been spent on those cases.

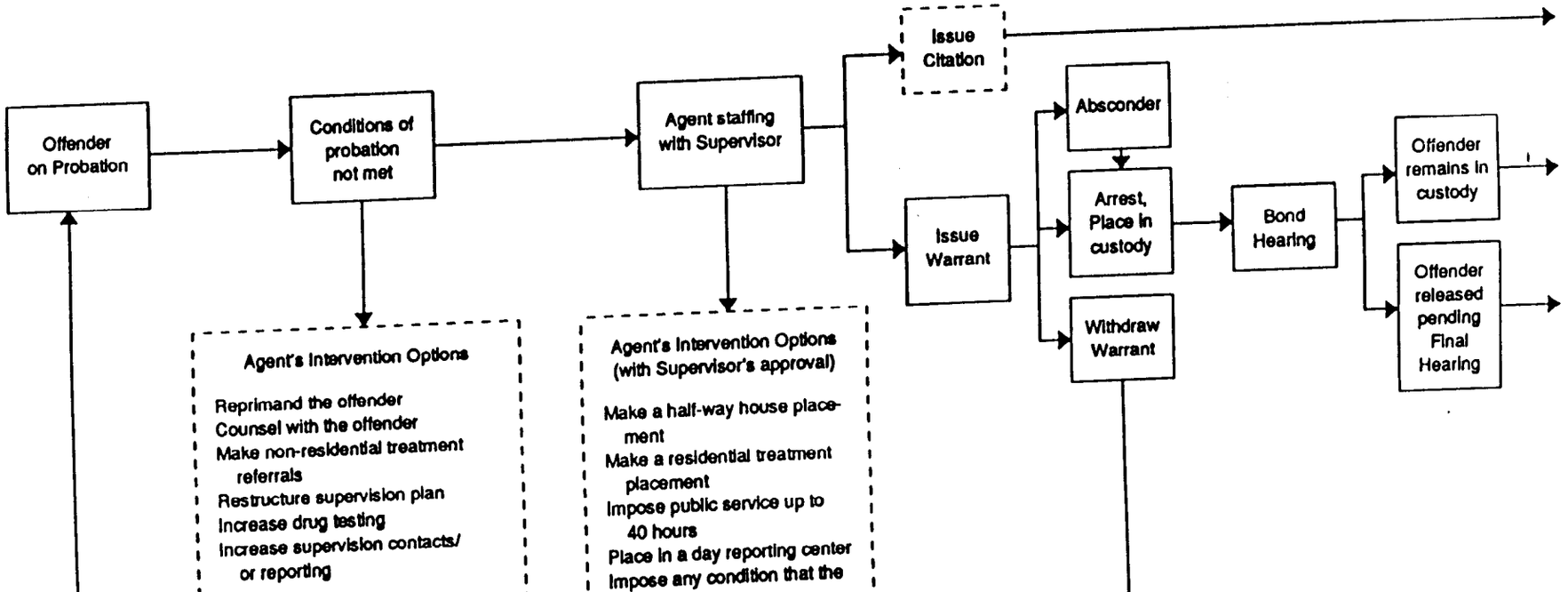
As a result of the success of the pilot project, the revised probation violation system will be adopted statewide. The implementation process is expected to be completed by the end of FY 1992.

Exhibit 5 shows the revised probation violation process. As indicated, it is very similar to the parole violation process shown in Exhibit 4, above. However, the options available to the hearing officer are somewhat different: and the final revoking authority is, of course, the court.

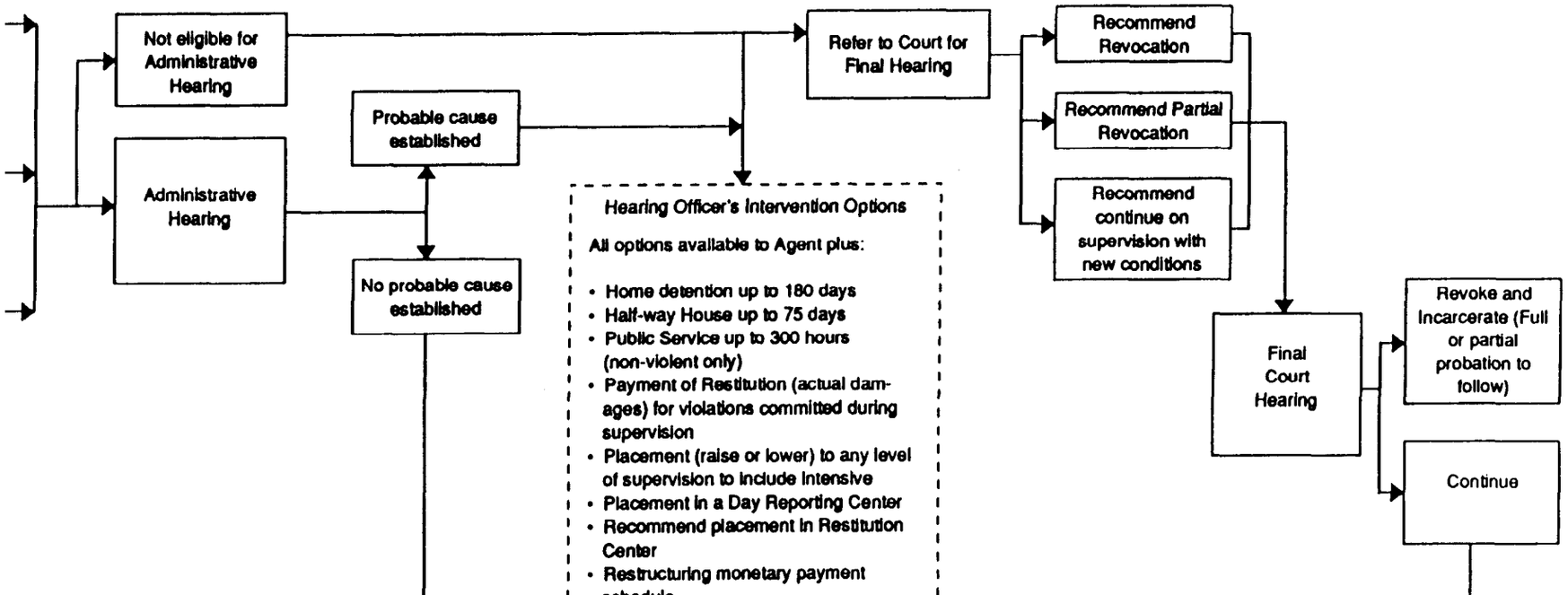
South Carolina's experience with revising its processes for handling both parole and probation violations shows that major changes can be successfully devised and implemented to handle violation behavior in a systematic manner throughout a state. It also shows the importance of initiating small-scale pilot projects, where proposed changes can be tested and refined, before attempting statewide implementation. Moreover, it demonstrates that lessons learned from the development of a new parole violation system can be effectively transferred to development of a new probation violation system. Thus, the South Carolina experience provides encouragement for other jurisdictions, grappling with the problems posed by both parole and probation violations.

Exhibit 5

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
PROBATION VIOLATION PROCESS



SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
PROBATION VIOLATION PROCESS
(continued)



IV. LESSONS LEARNED

A. Introduction

Many jurisdictions have experienced increases in parole caseloads without commensurate increases in resources to handle those caseloads. As a result, there is accelerating pressure to find new ways of managing the parole population--to "do more with less." One area that is especially ripe for innovation is the response to violations, in particular, the development of intermediate sanctions--short of revocation--that can be tailored to individual circumstances. Because the number of offenders on parole in increasing, the percentage revoked must decline for workload merely to stay constant. This has been one of the driving forces behind attempts to develop new ways to handle violations, and in the process, to decrease the number of revocations.

During the process of providing the technical assistance that was the major product of this project, important lessons were learned about ways to respond effectively when parolees violate their conditions of supervision. These lessons are summarized in this chapter.

B. The Importance of Considering the system As a Whole

Because most criminal justice systems face overcrowding and scarce resources--and expect this to continue for some time--these situations must be viewed as norms, not aberrations. Solutions to workload problems, then, must come from developing new (and more effective and efficient) ways of operating, not from simply doing "more of the same." A system-wide review of operations is an essential first step in identifying the points at which revisions in procedures are likely to have the greatest payoff. The development of a flow chart (or "map") of the supervision/violation/revocation process is a useful technique. for this purpose. Such a flow chart provides a picture of the entire processing system, from beginning to end, and forms a basis for assessing which individuals are responsible for what decisions at which stages in the process. Also, if caseload data can be derived or estimated for each major decision point, then analyses can be done of the extent to which cases drop out of the system at various processing points.

Our experience with helping paroling authorities to develop flow charts of their systems for handling violations confirms the usefulness of this tool. Often individuals who are working day-to-day in parole agencies do not see the overall picture of how each step fits into an overall process, nor do they recognize the implications of individual decisions for the system as a whole. A flow chart illustrates these various steps and shows how they mesh with each other. The mere process of reviewing the system

as a whole often raises questions about why things are done as they are and suggests changes that could be made to streamline the system, permit key decisions to made at earlier processing stages, provide additional options, or otherwise implement revisions to improve system effectiveness.

The flow charts also provided another way in which jurisdictions were assisted in learning from each other during the technical assistance project. Enlargements of the flow charts were placed on the meeting room walls during the January 1991 workshop and provided an opportunity for participants to see and assess the parole violation processes in place elsewhere.

The flow charts included in this report (see Chapter III and Appendix C) provide examples that could be adapted for use by other jurisdictions. These flow charts vary in complexity, depending on the needs of particular paroling authorities at the time we worked with them. Thus, they provide a range of possible models for other flow charts that might be developed in other states.

One finding that stemmed from flow chart development was that jurisdictions needed to consider the entire supervision process in order to deal with violations and revocations. In fact, it is also necessary to consider the release decisionmaking process, since the conditions violated while under supervision have usually been set as part of the release process. Thus, parole must be viewed as an integrated whole, so that efforts to deal with one part of its continuum of decisions--such as revocations--actually require consideration of the other parts as well. Consequently, agencies with strong planning and policy development processes are particularly well-equipped to deal with supervision and violation issues, since they already have an overall framework in place within which those issues can be addressed systematically.

C. The Role Of Discretion, Governed by Guidelines

In the jurisdictions that participated in this project, one consequence of revising their violation processes was to give more discretion to individual parole agents and hearing officers to resolve certain types of violations. As a result, more violations could be handled at earlier processing stages.

.A corollary of this increased discretion was that written guidelines had to be developed concerning the circumstances where agents should try to resolve the problem through use of their own resources and/or through discussions with their supervisors, as compared with circumstances where the case should be sent forward for consideration by a hearing officer. Guidelines likewise had to be developed for hearing officers concerning instances where

they should try to resolve the case, as compared with instances where it should be forwarded to the Board.

D. Development of a Continuum of Options

In addition to increased discretion, and written guidelines governing the exercise of that discretion, it is important to develop realistic options for parole agents and hearing officers to use. These options are easiest to provide in communities that have many community-based programs available to the parole system. In some instances these resources may exist to a greater extent than is at first thought. A systematic canvassing of resources in the area sometimes identifies program services that had not been used previously.

Under certain circumstances, however, paroling authorities have found a need to offer selected services themselves. For example, some parole agencies are now providing substance abuse counseling, because of difficulties they experienced in trying to obtain sufficient treatment in the community to meet their population's needs.

E. Agency-Wide Involvement and Train

In the development of a continuum of options and sanctions--and guidelines for their use in a fair, consistent manner--it is important to involve interested parties from throughout the agency. It is particularly important to involve field staff in this process, as they may have very different perceptions about problems and workable solutions than central office staff.

It is also important to provide staff training in any new procedures--and to provide on-going training about existing procedures. While this may seem obvious, our experience in working with many parole agencies over the years suggests that the importance of on-going staff training sometimes gets less attention than it merits. Staff training is often viewed as a "0ne-shot" endeavor, in which staff are trained in new procedures shortly before they are implemented. While pre-implementation training is important, staff training should occur on an on-going basis as well--not Only are new staff hired all the time but existing staff can also usually benefit from "refresher courses" in key agency policies and procedures. Additionally, staff training can provide a vital communications mechanism within agencies, especially large agencies.

F. The Importance of On-Going Monitor-

The implementation of new procedures needs to be monitored closely. In too many jurisdictions important decisions are based on perceptions, rather than facts, because no systematic efforts have been undertaken to gather the data upon which thoughtful, reasoned decisions could be based. Thus, when new procedures are implemented, "impressions" may be relied upon to assess impact. Instead, data should be collected and analyzed in a systematic manner to determine the effects of new procedures.

When developing changed procedures, such as new ways of handling violations, it is useful to conduct a small-scale pilot test first. Results can be assessed and changes made before massive, system-wide revisions in procedures are introduced. The larger the change being contemplated, the more useful a pilot test is likely to be. Refining and fine-tuning can occur on a small scale, which will facilitate subsequent ease of implementation system-wide. Data collection systems for assessing impact can be tested during the pilot phase as well.

Once data have been collected and analyzed, whether from the pilot test or the full-scale implementation phase, the findings should be provided to decisionmakers as part of an on-going feedback and monitoring process. In this way, problems--or unanticipated consequences of changes--can be identified and handled soon after they develop.

The development and analysis of data can also help identify areas in which agency policy is not reflected in agency practices. Under such circumstances either more staff training is needed to bring the practices into accordance with the policy, or the policy needs to be revised and/or updated to reflect current realities. Without some ability to systematically monitor what goes on, there will be no way even to know if policies and practices are the same or divergent.

G. The Need for Leadership

Finally, leadership is critical whenever major changes are contemplated in any key aspect of the parole system. Someone must serve as catalyst or "champion" for the need to make those changes. This requires organizational clout, and it also requires an investment of time and energy.

Organizations--'including parole agencies--typically resist change, even when change is forced upon them by circumstances beyond their control. A leader who can articulate a vision of a better future, if changes are made, has an essential role to play in getting those changes considered, developed in detail, written down, implemented, monitored for results, and revised when

necessary due to changing circumstances. Such leadership is particularly important for revisions in the parole violation process--where there is considerable pressure for change and, as this project has demonstrated, a variety of ways in which jurisdictions can approach the problem effectively.

V. OUTLOOK

For the foreseeable future, paroling authorities are likely to face growing caseloads and concomitant pressures to manage those caseloads in ever more efficient and more effective ways. Prison crowding can be expected to continue to put pressure on all parts of the criminal justice system to manage offenders in the community, to the extent feasible. One manifestation of this situation is the increasing interest in the development of ways to maintain parolees who violate release conditions in the community, whenever possible, rather than revoking their parole and returning them to prison.

This project provided technical assistance to five jurisdictions in developing options for dealing with parole violators in systematic, policy-driven ways that use revocation as the last step in a multi-phased process of responding to violations. This report has documented the experiences of those five jurisdictions. These experiences should provide encouragement for other paroling authorities that may also wish to revise their supervision/violation processes. The results of this project show that major improvements can be made in the handling of parole violations and that practices in this area can be significantly affected by policy changes.

Based on this project, the following steps are suggested as a useful way for jurisdictions to proceed, if they are interested in revising their parole violation/revocation practices:

- establish a working group to address the problem and insure that this group represents all key segments of the agency;
- develop a flow chart of the parole supervision system, which shows the major processing steps, the options available for each one, and, if possible, the caseload for each one:
- assess ways in which the parole supervision system might be modified, so that more parole violations could be handled through options short of revocation:
- design a pilot test of selected system modifications and train the staffmembers who will be involved in the pilot test in the new procedures:
- review the results of the pilot test and make any necessary changes in procedures:
- implement the new procedures on a system-wide basis, after writing the necessary documentation of policies and procedures and after training the staff: and

- monitor the results from implementation of the new procedures and make any necessary changes.

Such an approach led to effective changes in the violation systems of jurisdictions included in this project. If used elsewhere, this approach would seem likely to yield beneficial results, in the form of a revamped process for handling violations so that the response is tailored to the violation in a systematic, consistent, proportional way--while protecting community safety; maintaining the credibility of the parole supervision system by responding in an appropriate manner to violations of release conditions: and meeting the needs of individual offenders through use of a range of sanctions, with revocation reserved for only the most serious violations.

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Housing Unit _____

INMATE INTERVIEW SCHEDULE

1. Age classification:

   Under 20 | 20 - 25 | 25 - 35 | 35 - 45 | Over 45

2. Race:

   Caucasian _ Black _ Hispanic _ Oriental _ Other _____

3. a) How many times have you been locked up as an adult? ___

   b) In how many jails? ___

4. How many days have you spent in this jail? ____

5. In general, how safe to you feel in this jail?

   Very safe _ Somewhat safe _ Somewhat unsafe _ Very unsafe _

6. How safe from theft is your personal property?

   Very safe _ Somewhat safe _ Somewhat unsafe _ Very unsafe _

7. Is this living unit kept clean?

   Never _ Rarely _ Often _ Always _

8. Are you required to keep your room clean and orderly?

   Yes _ No _

9. How much deliberate vandalism, damage or writing on the walls happens in this unit?

   None at all _ Very little _ Quite a bit _ Very much _

10. **What gets deliberately damaged most often?**

TVs/radios	___	**Toilets/showers**	___
Lights	___	**Telephones**	___
Furniture	___	**Doors/windows**	___
Dishes/trays	___	**Nothing**	___

Other _____

11. Do things get broken in areas that are difficult for the unit officer to see?

Yes _ No _

12. If "yes" to #11, what areas? _____

13. How often are there threats of violence on this unit?

Never _ Sometimes _ Often _ Always _

14. How often are there fights between inmates on this unit?

Never _ Sometimes _ Often _ Always _

15. How often are there fights between inmates and staff on this unit?

Never _ Sometimes _ Often _ Always _

16. Who do you believe runs this unit?

Inmates in general _ An inmate leader _

Unit officers _I Other _____

17. How often do you see the following staff on the unit?

	Once a day	More than once a day (number)
Major	___	___
Captain	___	___
Lieutenant	___	___
Sergeant	___	___

18. Have you been told about the rules and regulations you must follow on this unit? Yes _ No _

19. Are the rules and regulations posted in this unit or distributed some way? Yes _ No _

20. Do you feel that the officers treat you in a respectful manner?

Yes _ No _

21. Do you believe you are treated fairly by the unit officers?

Yes _ No _

22. Do you feel comfortable approaching the unit officers for information or assistance?

Never _ Sometimes _ Often _ Always _

23. Do the inmates feel comfortable talking to officers around here?

Never _ Sometimes _ Often _ Always _

24. Is it difficult to keep your "cool" on this unit?

Yes _ No _

25. Have you ever filed a grievance with the administration?

Yes _ No _ If "yes", what was it about?

26. When do you see officers spending time talking with each other? (Please rank your answers with "1" being MOST OFTEN and "5" being LEAST OFTEN.)

At change of shift ___

When inmates are causing problems on the unit ___

Occasionally during the shift ___

At the start of programs on the unit ___

Frequently during the shift ___

27. Do most inmates generally follow the rules of this unit?

Never _ Sometimes _ Often _ Always _

28. Where are the rules most likely to get broken?

Room _ Dayroom _ Program rooms _ Showers _
Around the T V Other _____

29. How well are the following needs met?

	Very Well	Satisfac-torily	Unsatisfac-torily	Poorly
Medical	____	____	____	____
Visiting	____	____	____	____
Telephone	____	____	____	____
Food Services	____	____	____	____
Personal Privacy	____	____	____	____
Recreation	____	____	____	____
Commissary	____	____	____	____
Mail	____	____	____	____
Communication with staff	____	____	____	____
Jail counselor programs	____	____	____	____
Education/teacher programs	____	____	____	____
Religious programs/ clergy	____	____	____	____
Alcohol/drug programs	____	____	____	____
Other inmate programs	_____			

30. Do you ever feel the need to have a weapon to protect yourself on the unit? Y e s - N o -

31. Do most inmates around here feel the need for a weapon to protect themselves? Yes _ No _

32. How often are there sexual assaults on this unit?

Never _ Sometimes _ Often _ All the time _

33. How would you compare living on this unit with your experience in other jails?

Worse _ The same _ Better _ Much better _

34. What single thing would most improve your stay on this unit?